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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,143	04/06/2001	Kenichi Mitsui	33483	3204

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PEARNE & GORDON LLP
526 SUPERIOR AVENUE EAST
SUITE 1200
CLEVELAND, OH 44114-1484

EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,143

Applicant(s)

MITSUI ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 6/27/2003 (paper no. 7).

Information Disclosure Statement

2. The information disclosure statement filed 4/1/2003 (paper no. 6) has been considered.

Claim Objections

3. Claim 7 is objected to because of the following informalities: claim 7, line 8, "receiver means" should be --transmitter means-- to be corrected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Irube et al. (US PAT. 6,377,818 hereinafter Irube).

Regarding claim 1, Irube discloses a video telephone apparatus as shown in figure 1 comprising image pick-up means (4) for picking up an image of an object and generating a transmit picture signal according to the image of the object (col. 5 line 64 through col. 6 line 6), communication means (17) for transmitting and receiving the transmit picture signal and a receive picture signal (col. 4 lines 33-51), display means (14) for displaying video information based on the receive picture signal received from the communication means (col. 4 lines 16-25), detecting means for detecting an orientation of the portable communication terminal apparatus

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(col. 21 line 60 through col. 22 line 26) and rotating means for generating at least either said transmit picture signal by rotating the orientation of an image picked up by said image pick-up means or an image for displaying by rotating the orientation of an image of the receive picture signal (col. 22 lines 27-42).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Tamura et al. (JP 11196397A hereinafter Tamura).

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Regarding claim 1, Irube discloses a portable communication terminal apparatus as shown in figure 1 comprising image pick-up means (4) for picking up an image of an object and generating a transmit picture signal according to the image of the object (col. 5 line 64 through col. 6 line 6), communication means (17) for transmitting and receiving the transmit picture signal and a receive picture signal (col. 4 lines 33-51), display means (14) for displaying video information based on the receive picture signal received from the communication means (col. 4 lines 16-25), detecting means for detect an orientation of the portable communication terminal apparatus (col. 21 line 60 through col. 22 line 26) and rotating means for rotating the orientation of the image in at least either of the transmit picture signal and the receive picture signal (col. 22 lines 27-42). Irube differs from the claimed invention in not specifically teaching rotating means for rotating the orientation of the image in at least either of the transmit picture signal and the receive picture signal based on the detected orientation of the portable communication terminal apparatus and independent of the orientation of a distant portable communication terminal apparatus. However, Tamura teaches a communication system to display an image in a state where it is easy to watch whatever attitude is taken by a device in order to make user friendly comprising a detection control circuit for detecting an orientation of the device and means for using adjusting the orientation of an image based on a result from the detection control unit and independent of the orientation of a distant party (abstract and figures 5A-5C). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Irube in having the rotating means for rotating the orientation of the image in at least either of the transmit picture signal and the receive picture signal based on the detected orientation of the portable communication terminal apparatus and independent of the orientation

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of the distant portable communication terminal apparatus, as per teaching of Tamura, because it makes user friendly by displaying the image in the state where it is easy to watch whatever attitude is taken.

Regarding claims 2-3, Irube discloses the detector means for detecting the orientation of the portable communication terminal apparatus having image pick-up direction detector means and display direction detector means for detecting the vertical direction of the display means (col. 22 lines 4-26).

Regarding claims 4-5, Irube teaches to perform rotation processing on the transmit picture signal, as well as the receiving picture, based on the orientation of the portable communication terminal apparatus (figures 24-25 and col. 22 line 43 through col.23 line 65).

8. Claims 6- are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Tamura et al. (JP 11196397A hereinafter Tamura) as applied in claim 1 above, and further in view of Lands et al. (US PAT. 6,411,828 hereinafter Lands).

Regarding claim 6, the combination of Irube and Tamura differs from the claimed invention in not specifically teaching the portable communication terminal apparatus comprising a first receiver means for regenerating a receive audio signal received from the communication means, a second receiver means for regenerating the receive audio signal received from the communication means to a signal different from that of the first receiver means and a receiver selector means for switching between the first receiver means and the second receiver means based on the orientation of the portable communication terminal apparatus. However, Lands

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teaches a wireless terminal reproducing audio signals received from a caller in handset mode or speaker phone mode based on an indication of the orientation of the wireless terminal in order to improve quality of sounds (col. 4 line 17 through col. 5 line 29), so that it recognizes Lands in having a first receiver for regenerating received audio signals in the handset mode, a second receiver for regenerating received audio signals in the speaker phone mode, which is different from the handset mode, and means for switching between the first receiver and the second receiver based on the orientation of the wireless terminal. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Tamura in having the first receiver means for regenerating a receive audio signal received from the communication means, the second receiver means for regenerating the receive audio signal received from the communication means to the signal different from that of the first receiver means and the receiver selector means for switching between the first receiver means and the second receiver means based on the orientation of the portable communication terminal apparatus, as per teaching of Lands, because it improves quality of sounds.

Regarding claim 7, the combination of Irube and Tamura differs from the claimed invention in not specifically teaching the portable communication terminal apparatus comprising a first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, a second transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal

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apparatus. However, Lands teaches a wireless terminal transmitting audio signals to a caller in handset mode or speaker phone mode based on an indication of the orientation of the wireless terminal in order to improve quality of sounds (col. 4 line 17 through col. 5 line 29), so that it recognizes Lands in having a first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, a second receiver for transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Tamura in having the first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, the second transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus, as per teaching of Lands, because it improves quality of sounds.

Regarding claims 8-9, Irube discloses picked-up image receiver means for switching between different states based on the vertical direction of image pick-up means detected by image pick-up means detector means and a display receiver selector means for switching between different states based on the vertical direction or horizontal direction of the display means detected by display means detector means (col. 22 line 44 through col. 23 line 65).

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Regarding claims 10-11, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Response to Arguments

9. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any response to this final action should be mailed to:

BOX AF

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Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



George Eng

Primary Examiner

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